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October 20, 2016

Via ECF

Hon. Michael A. Shipp, U.S.D.J.
U.S. District Court for the District of New Jersey
Clarkson S. Fisher Federal Building
402 East State Street
Trenton, New Jersey 08608

Re: *Airconditioning & Refrigeration Industry Health & Welfare Trust Fund, et al. v. Valeant Pharmaceuticals International, Inc., et al.*,
Civil Action No. 16-3087 (MAS) (LHG)

Plumbers Local Union No. 1 Welfare Fund, v. Valeant Pharmaceuticals International, Inc., et al.,
Civil Action No. 16-3885 (MAS) (LHG)

New York Hotel Trades Council & Hotel Association of New York City, Inc. Health Benefits Fund, et al., v. Valeant Pharmaceuticals International, Inc., et al.,
Civil Action No. 16-05663 (MAS) (LHG)

Dear Judge Shipp:

We, Carella, Byrne, Cecchi, Olstein, Brody & Agnello, P.C. (“Carella Byrne”) and Bernstein Litowitz Berger & Grossmann LLP (“Bernstein Litowitz”), are co-counsel for Plaintiffs in the first two of the three above-captioned actions (collectively referred to as the “Actions”): *Airconditioning & Refrigeration Industry Health & Welfare Trust Fund, et al. v. Valeant Pharmaceuticals International, Inc., et al.*, Civil Action No. 16-3087 (MAS) (LHG) (“ACR”), and *Plumbers Local Union No. 1 Welfare Fund, v. Valeant Pharmaceuticals International, Inc., et al.*, Civil Action No. 16-3885 (MAS) (LHG) (“Plumbers”). Plaintiffs in ACR and Plumbers previously filed a motion requesting the consolidation of those two cases (ECF No. 9). Plaintiffs in the third above-captioned action, which was originally filed in Southern District of New York, subsequently filed that action in this District.

As reflected in the attached Stipulation and Proposed Order (the “Stipulation”), the parties in all three actions have agreed on: (i) service of the Complaints and waiver of any defenses as to service of process; (ii) consolidation of the three actions; and (iii) for a schedule

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providing for Plaintiffs to file a Consolidated Complaint, for Defendants to respond to it, and for briefing of any motions to dismiss it.

As reflected in the attached Proposed Order Appointing Plaintiffs' Interim Class Counsel and an Executive Committee (the "Proposed Order"), Plaintiffs request, and Defendants do not oppose, the appointment of Plaintiffs' Interim Class Counsel and an Executive Committee.

We respectfully submit both the attached Stipulation and the Proposed Order, which effectuate the relief as described further below.

I. Service and Consolidation of Actions

By the Stipulation, the Parties have agreed on terms of service and request that, pursuant to Federal Rule of Civil Procedure 42(a), the three Actions be consolidated for all purposes under Civil Action No. 16-3087 (MAS) (LHG), as provided in the Stipulation.

II. Initial Schedule

By the Stipulation, the Parties request the following schedule:

- Plaintiffs shall file a Consolidated Complaint no later than 14 days after the entry of an order granting the relief sought herein.
- Defendants shall answer or otherwise move with respect to the Consolidated Complaint within 60 days of its filing.
- In the event that Defendants move with respect to the Consolidated Complaint, Plaintiffs' responsive papers shall be filed within 60 days of Defendants' motion(s) and Defendants' reply papers shall be filed within 30 days of Plaintiffs' responsive papers.

III. Counsel Structure and Leadership

Plaintiffs request that the Court appoint interim lead counsel and an executive committee to prosecute the case on behalf of the class. Defendants, Valeant Pharmaceuticals International, Inc., Philidor Pharmaceutical Services, LLC, Andrew Davenport and Matthew Davenport, do not oppose that relief. Plaintiffs respectfully refer the Court to their Letter dated August 30, 2016 (ECF No. 10) seeking an order under Rule 23(g) of the Federal Rules of Civil Procedure for appointment of Carella Byrne and Bernstein Litowitz as Interim Class Counsel. As discussed in detail in that Letter, Carella Byrne and Bernstein Litowitz satisfy the requirements for Interim Class Counsel and are more than adequate to serve as Interim Class Counsel in this Action on behalf of the proposed Class.

Plaintiffs additionally request that the Court approve the creation of an Executive Committee of Plaintiffs' counsel consisting of Carella Byrne, Bernstein Litowitz, and the law

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firms Barrack Rodos & Bacine (“Barrack Rodos”) and Cohen Milstein Sellers & Toll (“Cohen Milstein”), counsel to Plaintiffs in *New York Hotel Trades Council & Hotel Association of New York City, Inc. Health Benefits Fund, et al., v. Valeant Pharmaceuticals International, Inc., et al.*, Civil Action No. 16-05663 (MAS) (LHG). The firm resumes of Barrack Rodos and Cohen Milstein, which are attached as Exhibits A and B, respectively, demonstrate these firms’ experience litigating complex actions like these. As reflected in their firm resumes, Barrack Rodos and Cohen Milstein are well qualified and eminently capable.

The Proposed Order provides that Interim Class Counsel will set policy for Plaintiffs for the prosecution of the Actions, delegate and monitor the work performed by any other counsel for Plaintiffs to ensure that there is no duplication of effort or unnecessary expense, coordinate on behalf of Plaintiffs the initiation and conduct of pleadings and discovery proceedings, and provide direction, supervision, and coordination of all activities of Plaintiffs’ counsel. The Proposed Order also provides for consultation among the members of the Executive Committee of Plaintiffs’ counsel. Thus, the proposed leadership structure will ensure vigorous, coordinated, and cost-effective prosecution of the Actions.

Thank you for your attention to this matter. If the Court has any questions, we are available at your convenience.

Respectfully submitted,

CARELLA, BYRNE, CECCHI,
OLSTEIN, BRODY & AGNELLO, P.C.

/s/ James E. Cecchi

JAMES E. CECCHI

Enclosure

cc (w/enclosure):

All Counsel of Record (via ECF)

Jonathan King, Esq. (counsel for Defendant Matthew Davenport) (via FedEx and email)